

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIE D. FRAZIER, JR.,

Plaintiff,

v.

Civil Action 2:10-cv-00782

Judge James L. Graham

Magistrate Judge E.A. Preston Deavers

U.S. DEPARTMENT OF EDUCATION,

Defendant.

ORDER

This matter is before the Court for consideration of the June 3, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 13.) The Magistrate Judge recommended that the Court grant the Motion to Dismiss of Defendant U.S. Department of Education (ECF No. 6) and deny Plaintiff's Motion for Directed Verdict (ECF No. 9).

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 2, ECF No. 13.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The record reflects that the Report and Recommendation was mailed to Plaintiff at the address he provided in the Complaint. Although it appears Plaintiff may no longer reside at this address, he has not provided the Court with an updated address. (*See* ECF No. 14.) Plaintiff has an affirmative duty to notify the Court of any change in address. *See Barber v. Runyon*, No.

93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (“If [*pro se* Plaintiff’s] address changed, she had an affirmative duty to supply the court with notice of any and all changes in her address.”); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“[W]hile *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues . . . there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend.”); *Walker v. Cognis Oleo Chem., LLC*, No. 1:07cv289, 2010 WL 717275, at *1 (S.D. Ohio Feb. 26, 2010) (“By failing to keep the Court apprised of his current address, Plaintiff demonstrates a lack of prosecution of his action.”).

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **GRANTS** Defendant’s Motion to Dismiss of Defendant U.S. Department of Education (ECF No. 6) and **DISMISSES** this action without prejudice. The Clerk is **DIRECTED** to remove this action from the Court’s pending case list.

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

Date: June 29, 2011